

January 5, 2018

Mr. Devin Leary  
Human & Rohde, Inc.  
512 Virginia Avenue  
Towson, MD 21286

Re: Patapsco Glen at 7726 Johnnycake Road  
Forest Buffer Variance  
Tracking #01-18-2639

Dear Mr. Leary:

A request for a variance from the Baltimore County Code Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on December 13, 2017. If granted, this variance would authorize 2,400 square feet (sf) of impact to forest buffer in order to develop 358 proposed townhouses. Of those forest buffer impacts, 2,180 sf are meadow and 220 sf are forest. A similar variance was granted on September 29, 2015 authorizing 8,030 sf of impact, but the development's layout has been revised to propose 10 less units, thus reducing impacts to the buffer.

The alternatives analysis evaluating impacts associated with proposed roads, stormwater management (SWM) outfalls, a series of level spreaders, an 8-foot wide pedestrian trail, and sanitary sewer connection impacts was also revised. However, impacts increased slightly from the 60,490 sf approved in 2015 to 62,950 sf. Regardless of this small increase, the revised project layout has reduced total impacts to the buffer by 3,170 sf and has slightly decreased impact to forested buffer area.

This Department has reviewed the request, and has determined that a practical difficulty exists in developing this property due to its topography, the extent and configuration of the forest buffer onsite, as well as the numerous specimen trees that are to be saved throughout the site. Additionally, we find that the potential for impacts to water quality has been minimized by applicant's significant redesign of the development layout, thus reducing its scope and subsequent impacts to the forest buffer. Furthermore, the applicant proposes to mitigate the impacts entirely onsite, including 3:1 mitigation for impacts to forested buffer as well as posting of the protective easement with informative signage.

Therefore, the requested variance is hereby granted in accordance with Article 33-3-106 of the Baltimore County Code with the following conditions:

1. 1.9 acres of Forest Buffer Easement shall be planted with native species of trees. The plant stock shall consist of container-grown native deciduous species a minimum of 1-inch caliper at a

density of 200 stems per acre. This planting will also fulfil the mitigation required to offset impacts associated with the alternatives analysis.

2. The outer Forest Buffer and/or Forest Conservation Easement limits shall be posted with protective signage at 100-foot intervals or at any turn in the easement prior to EIR approval of any building permits.
3. A final Forest Buffer Protection Plan (FBPP) detailing the mitigation planting and posting of protective signage shall be submitted to EIR and approved prior to EIR approval of any grading and sediment control plan. An itemized cost estimate for implementation of the FBPP must also be provided for EIR review and approval.
4. A FBPP performance security in the amount equal to 110% of the aforementioned cost estimate shall be posted. In no instance shall this security be less than twenty five (25) cents per square foot of required area to be planted. The security shall be posted prior to issuance of any permits via an Environmental Agreement.
5. The following note shall appear on all plans and plats submitted for this project:

“On January 5, 2018, a variance and alternatives analysis were approved by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands, and Floodplains to impact 1.5 acres of forest buffer area. The Forest Buffer Easement and its setback shown hereon reflect this variance. Conditions were placed on these variance and alternatives analysis approvals to reduce impacts to water quality including onsite planting and posting of the Forest Buffer Easement.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request. Please have the party responsible for meeting the conditions of this approval sign the statement on the following page and return a signed copy of this letter with original signatures to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL: ges

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- c. Ms. Stacey McArthur, D.S. Thaler & Associates, Inc.  
Security Boulevard Ventures LLC  
Mr. Joseph Fortino, US Home Corporation, DBA Lennar

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection and Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains.

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Contract Purchaser/Developer's Signature(s) Date

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Contract Purchaser/Developer's Printed Name(s)

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Property Owner's Signature Date

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Property Owner's Printed Name